

GT  
G

**J. MARVIN MONTGOMERY**  
ATTORNEY AT LAW

151 Antill Drive  
Thibodaux, LA 70301

Telephone: (225) 931-5860  
E-mail: jmarvinm@gmail.com  
(Not designated for receipt of service  
of pleadings or legal documents)

March 12, 2021

CERTIFIED MAIL #7015 1520 0002 2942 5032; Return Receipt Requested

Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge , LA 70821

RE: Request for advisory opinion on  
public building inspector and  
post employment

Dear Members of the Louisiana Board of Ethics:

I am an attorney-at-law authorized to practice law in this state. On behalf of a client I am requesting an advisory opinion from you as to whether my client must wait another ten months before performing building inspections for private persons or entities in the City of New Orleans and Orleans Parish, (New Orleans).

My client was a certified building official for the City of New Orleans for 33 years before retiring in January 2020. My client was neither the chief building official nor director or assistant director of his or her agency. My client's job was to conduct inspections of building and other structures to ensure that their construction complied with the applicable building code and to turn in his or her reports to the head of his or her agency. If my client's inspection showed that the phase of construction being inspected met minimum code requirements then my client turned in a report to his or her agency, which concluded that inspection. If my client's inspection showed that the phase of construction being inspected did not meet minimum code inspections then either my client or another inspector would conduct a re-inspection to ensure that phase of constructions had been brought up to minimum specifications. Once the phase of construction meet minimum code requirements a final inspection report would be turned in to the agency, also concluding the inspection of that phase of construction.

La. Board of Ethics

Re: Request for Advisory Opinion on employment after public service

March 12, 2021

Page 2

I think that it is important to say that each inspection of each phase of construction is a separate and independent inspection from each other. They are related, in that each inspection is required as the construction progresses, but a later inspection of a different phase of construction or the results of the later inspection does not concern or depend on the results of any prior inspection. This fact is important because of some of the questions I am asking in this letter.

Any private company that my client would do building inspection work for in New Orleans does not do any inspection work or any other type of work for or with New Orleans, whether under contract or otherwise, and the company has no business arrangement with New Orleans. The private entity does inspection work only for commercial and residential contractors and homeowners under an agreement solely between the contractor or homeowner and the private company. The only connection between the private company and New Orleans is that the company turns in completed inspections reports to my client's former agency. Neither New Orleans nor my client's former agency has any power to regulate these private inspection reports.

The reason that I am asking for an opinion is because my client have been told that he or she must wait two years from the date of retirement to perform building code inspections in New Orleans; otherwise my client would be in violation of the Louisiana Ethics Code. I disagree with that statement but want to get an opinion from you first, before my client does any private inspections in New Orleans.

It appears to me that the general rule for former public employees is that for two years no such person may be paid do work on or assist another person in doing work in connections with a matter that the former public employee participated in. Also, that for two years, no such former employee can contract with his or her former agency to do the same work that person was performing with the agency.

My client is not interested in contracting with New Orleans to do building inspection work. My questions regards my client performing building inspections in New Orleans for compensation, now or in the future, either for his or her self, as an independent contractor or as an employee of a private company. My questions are:

La. Board of Ethics

Re: Request for Advisory Opinion on employment after public service

March 12, 2021

Page 3

- (1) May my client, as a self employed person, currently perform building inspections in New Orleans on construction that began or will begin after his or her retirement?
- (2) May my client, as an independent contractor, currently perform building inspections in New Orleans for a private building inspection company on construction that began or will begin after my client's retirement?
- (3) May my client, as an employee of a private building inspection company, currently perform building inspections in New Orleans on construction that began or will begin after my client's retirement?
- (4) May my client, whether as a self employed person, independent contractor, or employee currently perform new inspections on a building or construction project in New Orleans if my client had previously, as part of his or her public duties, performed any inspection of the building or other construction and the construction is still ongoing, or does my client have to wait the two year period?
- (5) ) May my client, whether as a self employed person, independent contractor, or employee currently perform new inspections on a building or construction project in New Orleans if my client had previously, as part of his or her public duties, performed any inspection of the building or other construction but new construction, repairs or renovations have begun since my client retired, or does my client have to wait the two year period?

Thank you for your assistance and cooperation in answering these questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Marvin Montgomery", with a long, sweeping horizontal line extending to the right.

J. Marvin Montgomery

J. Marvin Montgomery  
Attorney at Law  
151 Antill Drive  
Thibodaux, LA 70301

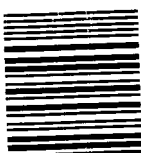
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL**



7015 1520 0002 2942 5032



1000



70821

U.S. POSTAGE PAID  
FCM LETTER  
THIBODAUX, LA  
70301  
MAR 12 21  
AMOUNT  
**\$7.00**  
R2304Y122713-17

Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

70821-4368

